

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 17, 1994
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:04 a.m. Mayor Golding recessed the meeting at 10:19 a.m. to convene the Housing Authority. The meeting was reconvened by Mayor Golding at 10:22 a.m. with all Council Members present. Mayor Golding and Deputy Mayor Stevens welcomed students from Boone Elementary School and Audobon Elementary School and also acknowledged and commended four students, and second place winners, of the San Diego Chapter of the National Organization of Black Chemists and Engineers. Mayor Golding and Council Member Mathis acknowledged and welcomed the students from Canyon View Elementary School. The meeting was recessed by Mayor Golding at 12:25 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:13 p.m. with all members present. Mayor Golding acknowledged and welcomed visitors from Vladivostok, Russia, one of San Diego's Sister Cities. Mayor Golding recessed the meeting at 2:29 p.m. to convene the Redevelopment Agency meeting. Mayor Golding reconvened the Council meeting at 2:52 p.m. with all members present. Mayor Golding adjourned the meeting at 4:19 p.m. to the next regularly scheduled meeting on May 31, 1994 at 9:00 a.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Roberts-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour/Fishkin (mc/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, May 17, 1994

Page 2

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-5:

Comment by Don Stillwell regarding the time limit for public comments during City Council meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A027-052.)

ITEM-PC-6:

Robert Robinson commented on the violence in San Diego and presented the Mayor and Council with Violence Prevention Awareness T-shirts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A054-076.)

COUNCIL COMMENT:

None.

ITEM-202: HEARING CLOSED

SUBJECT: Impasse Hearing.

Providing an impasse procedure, if necessary, for Management and Labor Organizations currently involved in negotiations.

CITY MANAGER'S RECOMMENDATION:

Hold the impasse hearing.

CITY MANAGER SUPPORTING INFORMATION:

The current Memorandum of Understanding and Council Policy 300-6 provide that Labor Organizations have a right to a Council hearing on any issues at impasse at the conclusion of negotiations. The purpose of the impasse meeting shall be to identify and specify in writing the issue or issues that remain in dispute; to review the position of the parties in a final effort to resolve such disputed issue or issues; and if the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedure contained in Council Policy 300-6.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G046-H056.)

MAYOR GOLDING DECLARED THE IMPASSE HEARING CLOSED.

ITEM-203:

SUBJECT: Four actions related to Fiscal Year 1994-95 Salary Ordinance and Resolutions.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance and adopt the following resolutions:

Subitem-A: (O-94-112 Cor. Copy) INTRODUCED, TO BE ADOPTED
MAY 31, 1994

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1994-95.

Subitem-B: (R-94-1713) ADOPTED AS RESOLUTION R-283929

Adoption of a Resolution establishing Overtime Eligibility of Classifications in the Classified Service.

Subitem-C: (R-94-1714) ADOPTED AS RESOLUTION R-283930

Adoption of a Resolution amending employee representation units to add new classifications and remove deleted classifications from existing

appropriate units as established in the Fiscal Year
1994-95 Salary Ordinance.

Subitem-D: (R-94-1715) ADOPTED AS RESOLUTION R-283931

Adoption of a Resolution authorizing Classifications
Eligible for the Management Benefits Plan.

FILE LOCATION: SUBITEM-A: NONE; SUBITEMS B-D: MEET

COUNCIL ACTION: (Tape location: G046-H056.)

MOTION BY McCARTY TO INTRODUCE THE SALARY ORDINANCE
(SUBITEM-A), AND ADOPT SUBITEMS B, C, AND D. Second by
Warden. Passed by the following vote: Mathis-yea,
Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-330: CONTINUED TO MAY 31, 1994

SUBJECT: Matter of a proposal to demolish 424-square-feet of
floor area and construct an additional
1,230-square-feet of new floor area to an existing,
vacant 3,194-square-feet commercial structure
(Baja-Mex Commercial Building Remodel) on portions of
an improved 7,400-square-feet site located at the
southwest corner of Bolton Hall Road and San Ysidro
Boulevard in the CSR-3 Zone of the San Ysidro Planned
District Area. The project also proposes a partial
street vacation of Bolton Hall Road to accommodate
private parking for the project within the existing
public right-of-way.
(SYDP-93-0380. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; and adopt Subitem B to approve the permit:

Subitem-A: (R-94-1699)

Adoption of a Resolution summarily vacating the
northerly excess portion of Bolton Hall Road.

Subitem-B: (R-94-)

Adoption of a Resolution approving or denying the San
Ysidro Development Plan Permit, with appropriate

findings to support Council action.

FILE LOCATION: Subitem A: STRT J-2804; Subitem B: PERM -
SYDP-93-0380

COUNCIL ACTION: (Tape location: A084-155; A237-C046.)

Hearing began at 10:23 a.m. and halted at 11:29 a.m.
Testimony in favor by Barry Simons, Fred Sobke, Sjirk
Zylstra and Jesus Monzon.

Testimony in opposition by Jim Marinos, Gerald Dawson,
Israel Adato, Alberto Garcia, William Toth, Laki Vassiliadas
and Jim Federhart.

MOTION BY VARGAS TO CONTINUE THIS ITEM TO MAY 31, 1994 AND
TO HEAR IT IN CLOSED SESSION PRIOR TO THAT DATE. Second by
McCarty. Passed by the following vote: Mathis-yea,
Roberts-yea, Kehoe-yea, Stevens-yea, Warden-not present,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED TO JUNE 21, 1994

SUBJECT: Refunding of Outstanding Assessment District Bonds -
First San Diego River Improvement Project (FSDRIP)
Assessment District No. 4007 (Zone A).
(Mission Valley Community Area. District-6.)

First public hearing for the purpose of receiving
public testimony. Council will take action at the
subsequent hearing scheduled for Tuesday, May 31, 1994
at 10:00 a.m.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing.

FILE LOCATION: STRT D-2256

COUNCIL ACTION: (Tape location: A156-167.)

MOTION BY KEHOE TO CONTINUE ITEM 331 TO JUNE 21, 1994 AND TO
RETURN ITEM 334 TO THE CITY MANAGER AT HIS REQUEST. Second
by Warden. Passed by the following vote: Mathis-yea,
Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Matter of a permit to construct a new
26,200-square-foot branch library, including variances
to Section 103.1705 of the San Diego Municipal Code.
(Emerald Hills Community Planning Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A, and adopt Subitem B to approve the permit:

Subitem-A: (R-94-1500) ADOPTED AS RESOLUTION R-283925

Adoption of a Resolution certifying that the
information contained in Environmental Mitigated
Negative Declaration DEP-93-0146 has been completed in
compliance with the California Environmental Quality
Act of 1970 and State guidelines, and that the
declaration has been reviewed and considered by the
Council;
and adopting the Mitigation, Monitoring and Reporting
Program.

Subitem-B: (R-94-1718) ADOPTED AS RESOLUTION R-283926

Adoption of a Resolution granting Southeast Development
Permit SDP-93-0146, with appropriate findings to
support Council action.

SUPPORTING INFORMATION:

The site for the Valencia Park Library was approved by the
Planning Commission through PDO and Community Plan Amendments on
October 31, 1991 and December 3, 1992. The Southeast Development
Permit was not heard by the Planning Commission; additional
material is with the companion docket item.

To construct a new 26,200-square-foot branch library, including
variances to Section 103.1705 of the San Diego Municipal Code to
allow a portion of the building to observe a 10'-0" front yard
setback where 15'-0" is required, and to allow the parking area
to observe a 7'-0" sideyard setback where 10'-0" is required.
The project is located at the northeast corner of 51st Street and
Market Street in the Single-Family zone of the Southeast San
Diego Planned District.

LEGAL DESCRIPTION:

The subject property is more particularly described as a
7.97-acre site located at the northeast corner of 51st Street and

Market Street in the Southeast San Diego Community Planning Area
(Lots A through H, Block 22, Las Alturas Unit 5, Map-2053).

NOTE: See Item 333 on today's docket for a companion item.

FILE LOCATION: PERM - SESDDP-93-0146

COUNCIL ACTION: (Tape location: C049-212.)

Hearing began at 11:30 a.m. and halted at 11:43 a.m.

Testimony in favor by Joshua von Wolfolk, Catherine
Montgomery, Reynaldo Pisano and Betty Anne McGough.

MOTION BY STEVENS TO ADOPT ITEMS 332 AND 333. Second by
Mathis. Passed by the following vote: Mathis-yea,
Roberts-yea, Kehoe-yea, Stevens-yea, Warden-not present,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Inviting Bids for the Construction of a Library in
District 4 (formerly Valencia Park Library).
(Emerald Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1310) ADOPTED AS RESOLUTION R-283927

Inviting bids for the Construction of a Library in
District 4 (formerly Valencia Park Library) on Work
Order No. 119540; Authorizing the execution of a
contract with the lowest responsible bidder;
Authorizing the expenditure of \$160,600 from
CIP-52-408.0, Market Street Widening, TransNet Fund No.
30300; Authorizing the expenditure of not to exceed
\$5,603,638 from CIP-35-079.0, in the following manner:

- a) DIF Fund No. 79511, \$346,000.
- b) Capital Outlay Other Fund No. 302453, \$275,000.
- c) California Library Construction Bond Act
(CLCRBA) of 1988 Grant Fund No. 0350,
\$2,966,943.
- d) CDBG Fund No. 18527, Dept. 4013, Org. 1310,
\$565,695.
- e) CDBG Fund No. 18528, Dept. 4023, Org. 2310,

\$1,450,000.

Authorizing the City Auditor and Comptroller to reprogram \$250,000 from Fund No. 18527, Dept. 4013, Org. 1306, to Fund No. 18528, Dept. 4023, Org. 2310. (BID-K94227)

CITY MANAGER SUPPORTING INFORMATION:

Capital Improvement Project CIP-35-079.0 provides for the construction of a 26,000 square foot Library at 51st and Market Streets, replacing the existing 4,100 square foot branch on 50th Street and Imperial Avenue. State Library Bond Act Funds and CDBG Funds have enabled the scope and size of the new facility to increase from a 10,000 square foot library to a final size of 26,000 square feet where a complete range of library, literary services and community activities will be available. As part of the library site development, the north side of Market Street is being developed with the use of TransNet Funding (CIP-52-408.0, \$160,600).

Aud. Cert. 9401085.

NOTE: See Item 332 on today's docket for a companion item.

FILE LOCATION: W.O. 119540 CONT - M. A. Mortenson Company
CONFY94-1

COUNCIL ACTION: (Tape location: C049-212.)

MOTION BY STEVENS TO ADOPT ITEMS 332 AND 333. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: RETURNED TO CITY MANAGER

SUBJECT: Agreement with San Diego State University Foundation regarding the Delta Upsilon House.
(See City Manager Report CMR-94-88. College Community Area. District-7.)
(Continued from the meeting of April 12, 1994, Item 330, at Councilmember McCarty's request, due to continued negotiations.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1325)

Authorizing an agreement with the San Diego State University Foundation regarding use of property for the construction and operation of a fraternity house for the Delta Upsilon Fraternity;
Stating for the record that the City Council as lead agency under the California Environmental Quality Act, has reviewed and considered Negative Declaration DEP-87-0356, dated June 25, 1987.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A080-083; A156-167.)

MOTION BY KEHOE TO CONTINUE ITEM 331 TO JUNE 21, 1994 AND TO RETURN ITEM 334 TO THE CITY MANAGER AT HIS REQUEST. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Memorandum of Understanding/District Master Interagency Agreement between the City and the Wastewater Management District.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-1673 Rev. 1) ADOPTED AS AMENDED AS RESOLUTION
R-283932

In re the relationship between the City of San Diego and the San Diego Area Wastewater Management District (District), including issues relating to the Memorandum of Understanding/District Master Interagency Agreement between the City and the District and the City's participation in the District.

FILE LOCATION: MEET CONT FY94-1

COUNCIL ACTION: (Tape location: F110-G045.)

MOTION BY STALLINGS TO ADOPT THE CITY MANAGER'S RECOMMENDATION AS AMENDED TO INCLUDE THE TIMELINE AS MAYOR

GOLDING STIPULATED ON THE RECORD AS FOLLOWS: 1) MAY 17, 1994, THAT COUNCIL APPROVE THE MEMORANDUM OF UNDERSTANDING; 2) MAY 18, 1994, NOTICE ALL PARTICIPATING AGENCIES OF CITY COUNCIL ACTION. 3) MAY 27, 1994, DISTRICT BOARD MEETING SCHEDULED. 4) JUNE 3, 1994, PARTICIPATING AGENCIES TO NOTIFY CITY OF DECISION OF MEMBERSHIP. 5) JUNE 6, 1994, COUNCIL CONSIDERATION OF WEIGHTED VOTE FORMULA. 6) JUNE 20, 1994, FINAL DEADLINE FOR DECISION AND NOTIFICATION TO CITY COUNCIL BY PARTICIPATING AGENCIES. AFTER COUNCIL ACTS ON THE WEIGHTED VOTE FORMULA AND THERE IS AN AGENCY THAT HAS SIGNED ON TO THE DISTRICT THAT DOES NOT AGREE WITH THE WEIGHTED VOTE FORMULA, THEN THAT AGENCY HAS APPROXIMATELY 15 DAYS (FROM JUNE 3 TO JUNE 21, 1994, AT 9:00 A.M.) TO WITHDRAW FROM THE DISTRICT. 7) JUNE 21, 1994, CITY COUNCIL TO MAKE DECISION ON CONTINUED DISTRICT PARTICIPATION. 8) JUNE 30, 1994, DEADLINE FOR DISTRICT FORMATION. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500: RETURNED TO THE CITY MANAGER

SUBJECT: Implementation of the Federal Endangered Species Act Section 4(d) Rule (Natural Communities Conservation Plan Process).
(See memorandum from the City Manager dated 5/5/94; City Manager Report P-94-074.)
(Subitem B below was continued from the meeting of April 27, 1994, Item 335C; last continued from the meeting of 5/10/94, Item 333, at Mayor Golding's request, for further review.)
(1) Adoption of the Ordinance in Subitem A, which was introduced as amended on 4/26/94. (Council voted 8-0; District 4 not present); and (2) Adoption of the Resolution in Subitem B:

Subitem-A: (O-94-102 Cor. Copy)

Amending Chapter XI, Article 1, Division 11, of the San Diego Municipal Code, by adding Sections 111.1130, 111.1131, 111.1132, 111.1133 and 111.1134, 111.1135, and 111.1136, relating to the Requirements for an Interim Habitat Loss Permit Program.

Subitem-B: (R-94-1568)

Approving the Natural Communities Conservation Planning (NCCP) Program Interim Habitat Loss Permit Procedures; Authorizing the City Manager to make minor administrative changes to these procedures as may be necessary to further the goals of the NCCP.

RECOMMENDATIONS:

Recommendation by the City Council to adopt the Ordinance in Subitem A; and recommendation by the City Manager to adopt the Resolution in Subitem B.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E101-016.)

MOTION BY McCARTY TO RETURN THE ITEM TO THE CITY MANAGER AT HIS REQUEST. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501: (R-94-1872) ADOPTED AS RESOLUTION R-283933

In the matter of naming the new 26,200 square-foot branch library (formerly Valencia Park Library). (Emerald Hills Community Area. District-4.)

NOTE: See Item 332 on the regular docket of Tuesday, May 17, 1994 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C213-D334; E020-213.)

Motion by Stevens to name the new library "Malcolm X Library and Performing Arts Center." Second by Kehoe. Vote not taken.

Trailed to afternoon session.

MOTION BY STEVENS TO APPROVE MAYOR GOLDING'S RECOMMENDATION TO NAME THE NEW LIBRARY: "CITY OF SAN DIEGO MALCOLM X LIBRARY AND PERFORMING ARTS CENTER VALENCIA PARK BRANCH." Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-94-1786) ADOPTED AS RESOLUTION R-283928

A Resolution adopted by the City Council in Closed Session
on May 17, 1994:

Authorizing the City Manager to pay the sum of \$150,000 in
the settlement of each and every claim against the City of
San Diego, its agents and employees, resulting from the
personal injuries to Lisa M. Babick, et al; authorizing the
City Auditor and Comptroller to issue two checks: One in
the amount of \$70,000 made payable to Lisa M. Babick and her
Attorney of Record, John Urquhart and one in the amount of
\$80,000 made payable to Marc Crawford and his Attorney of
Record, John Urquhart, in full settlement of all claims.
Aud. Cert. 9401127

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:19 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H059-061.)